

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE II “TOWN COUNCIL” BY ADDING A NEW SECTION 2-20 “ELECTION QUALIFYING” OF THE LOXAHATCHEE GROVES CODE PROVIDING FOR THE CANDIDATE QUALIFYING PERIOD; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, in accordance with section 7 of the Town Charter, the Town’s general elections are held on the second Tuesday in March of each calendar year; and

WHEREAS, the Palm Beach County Supervisor of Elections (the “Supervisor”) has provided notice to all Palm Beach County municipalities whose elections are scheduled in March, that they will be required to move their candidate qualifying periods so that all municipal candidate names may be provided to the Supervisor on or before 95 days prior to the municipal election date; and

WHEREAS, following the timing required by the Supervisor, the time frame for qualifying is during Florida’s hurricane season; and

WHEREAS, during a declared emergency for a storm event, such as a hurricane, the Town offices close and the Town would not be able to accept qualifying documentation from candidates; and

WHEREAS, subsection 166.021(4), Florida Statutes, and subsection 100.3605(2), Florida Statutes, allow a municipality to change the dates for qualifying and the dates for the election of members of a governing body by ordinance; and

WHEREAS, the Town Council wishes to adopt an ordinance setting the Town’s candidate qualifying period for municipal elections and providing for extension of the qualifying period during declared emergencies; and

WHEREAS, the Town Council has determined that this Ordinance is in the best interest of the Town of Loxahatchee Groves and serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby fully incorporated herein by reference as true and correct and as the legislative findings of the Town Council.

Section 2: Chapter 2 “Administration”, Article II “Town Council” is hereby amended by adding thereto a new Section 2-20 “Election Qualifying” to read as follows:

Sec. 2-20. – Election qualifying.

- A. Any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk no sooner than noon on the second Tuesday of November, no later than noon on the third Tuesday in November, of the year preceding the calendar year in which the election is to be held.
- B. In the event of a declared emergency during the qualifying period, the town clerk shall extend the qualifying period for the same number of business days that town hall was closed for the declared emergency during the qualifying period.
- C. The names of all candidates shall be received by the supervisor of elections of the county from the town clerk by 5:00 p.m. on the first Monday after the close of qualifying or no later than 5:00 p.m. on the 95th day before the municipal election date.

Section 3: **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be made a part of the Town’s Charter and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon approval by the electors of the referendum to be held _____ removing the qualifying period from the Town Charter.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 3 DAY OF SEPTEMBER, 2024.

Voted:
Mayor Anita Kane, Seat 3

Voted:
Vice Mayor Margaret Herzog, Seat 5

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 1 DAY OF OCTOBER, 2024.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Voted:
Mayor Anita Kane, Seat 3

Voted:
Vice Mayor Margaret Herzog, Seat 5

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4